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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,419	10/19/1999	JOHN RICE	JJ-10-297US	2780

7590 03/25/2005

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EXAMINER

CHEN, JOSE V

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/420,419

Applicant(s)

RICE, JOHN

Examiner

José V. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourassa et al. The patent to Bourassa et al teaches an L-shaped structure as claimed including an attachment plate(42) providing a means to attach, an anchoring plate (26) extending from the attachment plate, the attachment plate being U-shaped, centrally located openings, the bracket comprising a unitary metal body "dimensioned" to support a load.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourassa et al. The patent to Bourassa et al teaches structure substantially as claimed as discussed above including anchoring structures. The provision of such anchoring structures at specific locations would have been a matter of desirability depending upon where strength of attachment is desired which would have been obvious and well within the level of ordinary skill in the art.

Claims 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourassa et al as applied to the claims above, and further in view of "Simpson Strong-Tie Connectors" catalog, page 48, hanger LSU26. The patent to Bourassa et al teaches structure substantially as claimed, as discussed above including an attachment and anchoring plate, the only difference being that there is not an extension wing at the juncture of the plates. However, member LSU26 teaches the use of including extensions to provide additional attachment structures for a joint to be old. It would have been obvious and well within the level of ordinary skill in the art to provide the structure of Bourassa et al with extension wings, as taught by member LSU26, since member LSU26 uses such structure as a conventional structure used in the same intended purpose of providing additional connecting structure for a bracket, thereby providing structure as claimed. With respect to claim 15, the use of different gauge steel is a matter of desirability and would have been obvious and well within the level of ordinary skill in the art since such knowledge is routinely taught in engineering courses such as Strength of Materials, Statics, Dynamics, Steel Construction.

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Claims 8-13, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin et al in view of Bourassa et al. The patent to Tobin et al teaches method of attaching substantially as claimed including a bracket plate having openings for increased concrete flow, the only difference being that the bracket structure is not a specific shape. However, the patent to Bourassa et al teaches the use of such a specific structure used for joint connection. It would have been obvious and well within the level of one having ordinary skill in the art to modify the method of attaching of Tobin et al to include the specific shape, as taught by connecting bracket of Bourassa et al, such structures used in the same intended purpose of providing joint connection, thereby providing structure as claimed.

Claims 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin et al in view of Bourassa et al as applied to the claims above, and further in view of "Simpson Strong-Tie Connectors" catalog, page 48, hanger LSU26. The patent to Tobin et al in view of Bourassa et al teaches method of attachment structure substantially as claimed, as discussed above including an attachment and anchoring plate, the only difference being that there is not an extension wing at the juncture of the plates. However, member LSU26 teaches the use of including extensions to provide additional attachment structures for a joint to be old. It would have been obvious and well within the level of ordinary skill in the art to provide the structure of Tobin et al in view of Bourassa et al with extension wings, as taught by member LSU26, since member LSU26 uses such structure as a conventional structure used in the same intended purpose of providing additional connecting structure for a bracket, thereby providing structure as claimed. . With respect to claim 16, the use of different gauge steel is a matter of desirability and would have been obvious and well within the level of

ordinary skill in the art since such knowledge is routinely taught in engineering courses such as Strength of Materials, Statics, Dynamics, Steel Construction.

Response to Arguments

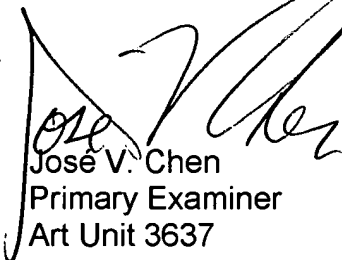
Applicant's arguments filed 12-27-00 have been fully considered but they are not persuasive. With respect to the claims, it is repeated that the use of different gauge steel is a matter of desirability and would have been obvious and well within the level of ordinary skill in the art since such knowledge and derivation of use are routinely taught in engineering courses such as Strength of Materials, Statics, Dynamics, and Steel Construction. Therefore, once a particular anchor, bracket, structure is known, the use of different gauge steel to provide more or less support or strength is a matter of choice, the use of known formulas. Applicant has not remarked how such knowledge would prevent one from applying such known knowledge in the same manner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (703) 308-3229 or 571 272 3600. The examiner can normally be reached on m-f, m-th 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703)308-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



José V. Chen
Primary Examiner
Art Unit 3637

Chen/jvc
03-23-05